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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,560

11/14/2003

Richard Bussiere

ENI-037

8242

35557

7590

03/12/2007

CHRIS A. CASEIRO

VERRILL DANA, LLP

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PORTLAND, ME 04112-0586

EXAMINER

SZYMAWSKI, THOMAS M

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

03/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/713,560

Applicant(s)

BUSSIERE ET AL.

Examiner

Thomas Szymanski

Art Unit

2134

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas Szymanski.

(3) _____.

(2) Chris Caseiro.

(4) _____.

Date of Interview: 07 March 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.


Identification of prior art discussed: Huff et al, WO99/57625.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed limitations in line with the agenda points 1 and 2, suggested modification of the terminology of signal forwarding device to be more specific so as to avoid reading upon the server of Huff, and agreed with the applicant's point that the system of Huff places operatives in all addressable nodes of the network.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


KAMBIZ ZAND
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Verrill Dana^{LLP}

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FACSIMILE TRANSMITTAL COVER SHEET

DATE: March 5, 2007	PAGES SENT: 3 (including cover sheet)
FROM: Chris A. Caseiro	CLIENT NO: 33501-2617
TO: USPTO	FAX NO: 1-571-273-8574
FIRM: Art Unit 2134, Examiner Szymanski	TEL. NO: 1-571-272-8574
CITY: Alexandria	STATE: VA

COMMENTS

Dear Examiner Szymanski:

Please see the attached proposed agenda for our telephone interview to be conducted at 1PM on Wednesday, March 7, regarding application serial no. 10/713,560. I look forward to speaking with you.

Chris A. Caseiro
Reg. No. 34,304

THIS COMMUNICATION IS INTENDED FOR THE USE OF THE ADDRESSEE(S) NAMED HEREIN AND MAY CONTAIN LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND DESTROY THE ORIGINAL COMMUNICATION AND ALL COPIES. WE WILL REIMBURSE COSTS YOU INCUR IN NOTIFYING US. THANK YOU.

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Original: Held on file ____ / Follow by Mail ____ / Follow by Courier ____

Atty Docket No. ENI-037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard Bussiere et al.
Serial No.: 10/713,560
Filed: November 14, 2003
For: DISTRIBUTED INTRUSION RESPONSE SYSTEM
Assignee: Enterasys Networks, Inc.
Examiner: Thomas M. Szymanski
Art Unit: 2134 Confirmation No. 8242

PROPOSED INTERVIEW AGENDA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Examiner Thomas M. Szymanski
At Fax No.: 571-273-8574

Dear Examiner Szymanski:

In follow up to our telephone conversation today, this communication is intended to present an agenda for our telephone interview regarding the pending office action in the referenced application. The interview is scheduled for Wednesday, March 7, 2007, at 1PM. I will initiate the interview by calling you.

I have reviewed carefully with the assignee the pending final office action and we have noted that there may be several distinctive aspects of the invention described in the application that distinguish the invention from the cited HUFF reference but that may not have been clearly stated in the claims under examination. In particular, I would like to discuss with you in the interview the following features of the present invention that we see as distinguishing the present invention from the system described by HUFF:

1) In the present invention, policy assignment and modification functions and enforcement may reside in a network signal transferring device, such as a centralized switch or a network entry device. (See paragraph [0033] of the application as published.) HUFF appears to be limited to requiring that all decision making for what happens in response to a detected condition occurs at the server via the response engine 272 through the service manager 260, both of which are clearly described as not being instantiated in the nodes where the mission agents are located.

Atty Docket No. ENI-037

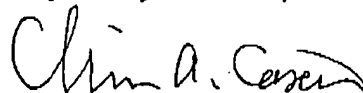
Therefore, a claim of the present invention may include as a limitation that at least one signal forwarding device of the network infrastructure includes policy assignment and modification functionality.

2) In the present invention, it is not required that all network infrastructure devices include either a detection function or an enforcement function. There may be "dumb" devices that simply forward signals without any detection or enforcement. (See paragraph [0033] of the application as published.) On the other hand, HUFF makes it clear that all nodes of the network must include the security operatives, either with one or both of the detection and enforcement roles. Therefore, a claim of the present invention may include as a limitation that at least one signal forwarding device of the network infrastructure has no detection or enforcement functionality.

The assignee believes strongly that it has a patentable system distinct from what is apparently taught by HUFF. The assignee will continue to pursue protection for this invention and would like to get a sense from the examiner in the course of the interview whether the two above-described distinguishing features may be considered as reasonable limitations to overcome the rejection based on HUFF.

I look forward to speaking with you on March 7.

Respectfully submitted,



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